

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Guthrie Leavell, Jr

Docket Number: 06-00006-001

PACTS Number: 44579

Name of Sentencing Judicial Officer: HONORABLE Stanley R. Chesler

Date of Original Sentence: 09/18/2007

Original Offense: INTERFERENCE WITH COMMERCE BY THREAT OR VIOLENCE

Original Sentence: 36 months imprisonment; 3 years supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: 09/18/07

Assistant U.S. Attorney: Julia Epstein, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Lisa Mack, 972 Broad Street, 2nd Floor, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1. The offender has violated the supervision condition which states 'You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.'

The offender failed to contact the probation officer as directed on February 13, 2009 and has not been in contact to advise of his whereabouts. The offender is considered an absconder at this time.

The offender also failed to report as directed on the following dates: September 12, 2008, September 8, 2008, and May 12, 2008.

2. The offender has violated the supervision condition which states 'You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'

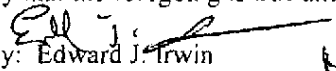
The offender tested positive for illicit substances on the following dates: June 3, 2008 the offender tested positive for cocaine and heroin; On May 29, 2008, the offender tested positive for cocaine and heroin; on May 13, 2008, the offender tested positive for cocaine; and on February 6, 2008, the offender tested positive for cocaine and morphine.

3. The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

The offender failed to attend the Code-A-Phone random urinalysis program on the following dates:

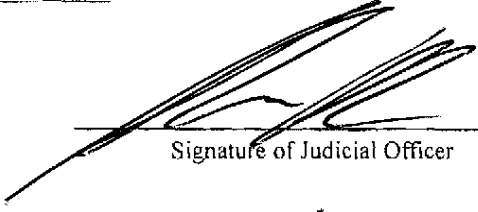
December 3, 2008; September 8, 2008; August 19, 2008; August 11, 2008; June 2, 2008; May 29, 2008; May 20, 2008; May 9, 2008; May 5, 2008; April 8, 2008; March 26, 2008; March 6, 2008; March 3, 2008; February 4, 2008; December 18, 2007; December 14, 2007; and November 28, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

By: 
Edward J. Irwin
U.S. Probation Officer
Date: 3/3/09

THE COURT ORDERS:

- ☒ The Issuance of a Warrant
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other



Signature of Judicial Officer



Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER
THOMAS C. MILLER

March 3, 2009

SUPERVISION UNIT
20 WASHINGTON PLACE
6TH FLOOR
NEWARK, NJ 07102-3172
(973) 645-6161
FAX: (973) 645-2155

www.njp.uscourts.gov

The Honorable Stanley R. Chesler,
U.S. District Judge
U.S. Courthouse and Post Office Building
PO BOX 0999
Newark, New Jersey 07101

RE: LEAVELL, Guthrie
DKT#: 06-00006-001
REQUEST FOR ISSUANCE OF A WARRANT

Dear Judge Chesler:

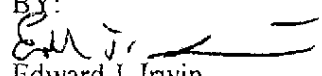
On September 18, 2007, the above-named appeared before Your Honor for sentencing on a charge of Interference with Commerce by Threats or Violence. The offender received a prison term of thirty-six (36) months to be followed by three (3) years of supervised release. The special conditions imposed were: Drug testing/treatment; mental health evaluation/treatment; DNA testing. The offender began his period of supervision on October 4, 2007.

The purpose of this letter is to request the issuance of a warrant for the offender's arrest as his present whereabouts are unknown, and due to several other violations of supervised release.

Enclosed please find the Probation 12C Petition citing the specific violations of supervised release. Should Your Honor require further information or wish to discuss this matter, please feel free to contact the undersigned officer at (973) 645-6243.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

BY:

Edward J. Irwin
U.S. Probation Officer

EJI:
Encl.

UNITED STATES DISTRICT COURT
District of New Jersey

UNITED STATES OF AMERICA

v.

Case Number 06-06(SRC)(1)

GUTHRIE LEAVELL

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, GUTHRIE LEAVELL, was represented by Lisa Mack, AFPD.

The defendant pled guilty to count(s) one of the INFORMATION on 1/3/06. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):


<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number(s)</u>
18:1951	Interference with Commerce by Threats or Violence	12/10/04	one

As pronounced on 9/18/07, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, for count(s) one, which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 18 day of September, 2007.


STANLEY R. CHESLER
United States District Judge

2007 SEP 24 PM 4:17
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY

Defendant: GUTHRIE LEAVELL
Case Number: 06-06(SRC)(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 36 Months, on count one of the information.

The Court makes the following recommendations to the Bureau of Prisons: that the U. S. Marshal shall transfer the defendant to a facility other than the Hudson, Passaic or Monmouth County; the defendant shall be designated to to a BOP in Virginia nearest to his family; & that the defendant shall receive mental and drug treatment while incarcerated.

Marshals be directed to transfer Mr. Leavell "immediately or as soon as practical" so that we can get him out of Hudson County

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ To _____
At _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: GUTHRIE LEAVELL
Case Number: 06-06(SRC)(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years.

Within 72 hours of release from custody of the Bureau of Prisons, the defendant shall report in person to the Probation Office in the district to which the defendant is released.

While on supervised release, the defendant shall comply with the standard conditions that have been adopted by this court (on the next page).

The defendant shall submit to one drug test within 15 days of commencement of supervised release and at least two tests thereafter as determined by the probation officer.

If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remains unpaid at the commencement of the term of supervised release and shall comply with the following special conditions:

The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Defendant: GUTHRIE LEAVELL
Case Number: 06-06(SRC)(1)

STANDARD CONDITIONS OF SUPERVISED RELEASE

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not illegally possess a controlled substance.
- 3) If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.
- 4) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 5) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 6) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 7) The defendant shall support his or her dependents and meet other family responsibilities.
- 8) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 9) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 10) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 11) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 12) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 13) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 14) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 15) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 16) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed)

Defendant

Date

U.S. Probation Officer/Designated Witness

Date